the label of the capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: May 1, 1953. The defendant having entered a plea of nolo contendere, the court fined him $350 and placed him on probation for 2 years.

4007. Misbranding of pentobarbital sodium capsules and methamphetamine hydrochloride tablets. U. S. v. Thomas H. Nelson and Leonard G. Schatz. Pleas of guilty. Fine of $200, plus costs, against each defendant. (F. D. C. No. 32709. Sample Nos. 546–L, 547–L.)

INFORMATION FILED: April 15, 1952, Southern District of Indiana, against Thomas H. Nelson and Leonard G. Schatz, partners in the partnership of Uptown Drugs, Indianapolis, Ind.

ALLEGED VIOLATION: On or about July 30, 1951, while a number of *pentobarbital sodium capsules* and *methamphetamine hydrochloride tablets* were being held for sale at the Uptown Drugs, after shipment in interstate commerce, Defendant Nelson caused a number of the *pentobarbital sodium capsules* and Defendant Schatz caused a number of the *methamphetamine hydrochloride tablets* to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents; Section 502 (f) (1), the repackaged drugs failed to bear labeling containing adeqaute directions for use; and Section 502 (b) (1), the repackaged *methamphetamine hydrochloride tablets* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (d), the repackaged *pentobarbital sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (2), the repackaged *methamphetamine hydrochloride tablets* failed to bear adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

DISPOSITION: January 16, 1953. Pleas of guilty having been entered, the court fined each defendant $200, plus costs.

4008. Misbranding of methyltestosterone tablets, methamphetamine hydrochloride tablets, dextro-amphetamine sulfate tablets, and capsules containing a mixture of pentobarbital and aspirin. U. S. v. Frank B. Freeman. Plea of nolo contendere. Fine, $350. (F. D. C. No. 32737. Sample Nos. 15395–L, 15396–L, 15400–L, 15401–L, 15403–L, 15405–L, 15406–L.)

INFORMATION FILED: October 16, 1952, Eastern District of Oklahoma, against Frank B. Freeman, a partner in the partnership of the Steele Drug Co., Ardmore, Okla.

ALLEGED VIOLATION: On or about October 10, 12, and 15, 1951, while a number of *methyltestosterone tablets, methamphetamine hydrochloride tablets, dextro-*

amphetamine sulfate tablets, and *capsules containing a mixture of pentobarbital and aspirin* were being held for sale at the Steele Drug Co., after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the repackaged drugs failed to bear labeling containing adequate directions for use.

Further misbranding, Section 502 (d), the repackaged *capsules containing a mixture of pentobarbital and aspirin* contained a chemical derivative of barbituric acid, namely, pentobarbital, which derivative has been found to be, and by regulations designated as, habit forming; and the labeling of the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (2), a portion of the *methyltestosterone tablets* failed to bear a label containing the common or usual name of each active ingredient of the drug; and, Section 502 (f) (2), the repackaged *methamphetamine hydrochloride tablets* failed to bear labeling containing adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

DISPOSITION: December 22, 1952. A plea of nolo contendere having been entered by the defendant, the court fined him $350.

4009. Misbranding of sulfathiazole tablets. U. S. v. Manion Mitchell (Gilbert Drug Co.), and Harry E. Mitchell. Pleas of guilty. Fine of $50 against each defendant. (F. D. C. No. 33854. Sample Nos. 20904–L, 22169–L, 22198–L, 22210–L.)

INFORMATION FILED: February 17, 1953, Northern District of Alabama, against Manion Mitchell, trading as the Gilbert Drug Co., Athens, Ala., and Harry E. Mitchell, a pharmacist.

ALLEGED SHIPMENT: On or about November 7 and December 20, 1951, and January 10 and 11, 1952, while a number of *sulfathiazole tablets* were being held for sale at the Gilbert Drug Co., after shipment in interstate commerce, the defendants caused various quantities of the tablets to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged tablets being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged tablets failed to bear a label containing an accurate statement of the quantity of the contents; Section 502 (e) (1), the repackaged tablets failed to bear a label containing the common or usual name of the drug; and, Sections 502 (f) (1) and (2), the labeling of the repackaged tablets failed to bear adequate directions for use and adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

DISPOSITION: April 7, 1953. Pleas of guilty having been entered by the defendants, the court fined each defendant $50.